

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In Re: CUP-2018-03: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), the 16th day of May, 2018, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit (the “**CUP**) to have a Women’s Retreat (the “**Application**”). Property is in the SW ¼ of SW ¼, Section 24, Township 1S South, Range 8 East, B.M., and is zoned Agriculture located North East of Mountain Home Mountain (the “**Site**”). The Commission heard testimony from the applicant. The Commission heard from Elmore County Land Use and Building Department (the “**STAFF**”).

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the record for the Application and those facts which are in common knowledge or of which there is general public awareness.

I. The Commission finds that Application is comprised of:

- A.** Application form prepared and submitted by Jennifer Loranger, (the “**Applicant**”) for the CUP; and
- B.** Those supplemental letters, documentation, and memos submitted by the Applicant or its representatives, whether submitted in response to questions from employees (the “**Staff**”) from the Elmore County Land Use and Building Department (the “**Department**”) or the Commission in connection with Application to the Commission.

II. The Commission finds that the Applicant is:

Jennifer Loranger
3610 W Muirfield Dr.
Meridian, ID 83646

III. The Commission finds the following as to the procedural matter pertaining to the Application:

- A.** The Applicant participated in a pre-application meeting with the Department on November 29, 2017.
- B.** The Applicant conducted a neighborhood meeting on April 15, 2018 as required by Elmore County Zoning and Development Ordinance (the “**Zoning Ordinance**”) section 6-4-3.
- C.** The Applicant submitted the Application and a \$400.00 fee to the Department on March 15, 2018.
- D.** The Department deemed the Application complete on April 18, 2018.
- E.** The Department mailed notice of the public hearing to Agencies on April 20, 2018 Pursuant to Zoning Ordinance Section 6-4-4.

- F. The Department mailed notice of the Public Hearing to neighboring property owners within one-thousand (1,000') feet of the Site on April 19, 2018 pursuant to Zoning Ordinance Section 6-4-5.
- G. Notice of the Public Hearing was published in the Mountain Home News on April 28, 2018 pursuant to Zoning Ordinance Section 6-4-5 A.
- H. Notice of the Public Hearing was posted on the property May 7, 2018 pursuant to Zoning Ordinance Section 6-4-5 B.
- I. The Commission opened the Public Hearing on May 16, 2018 and received verbal and written information regarding the Application.
- J. The Commission moved to approve the Application with one (1) additional condition of approval added to the 10 conditions imposed by Staff. The motion to approve passed in a 5-0 vote.

IV. The proposed use of the Application as follows:

- A. **The Commission finds** the proposed use is to be used for or an outdoor Women's Retreat to be held primarily on weekends.

V. The Commission finds the following pertaining to the Site:

- A. **Site Description:** Portion of the SW1/4 of the SW1/4, Sections 24, Township 1S South, Range 8 East, B.M. A common way of locating the property is to head North East on Highway 20 for approximately 16 miles turn left onto NE Dixie Cutoff Road for approximately 2.5 miles. The property is located on the left.
- B. **Parcel Numbers:** RP 01S08E246000.
- C. **The "Owner" of the Site is:**
Jennifer Lawrence and Tagret Hawks.
- D. **Applicant's Property Right on the Site is:** Applicant conducting a Women's Retreat on weekends.
- E. **Site Characteristics:**
 - Property Size:* The site contains approximately 40 acres.
 - Existing Structures:* None
 - Existing Vegetation:* The vegetation consists mainly of grassland and sagebrush.
 - Slope:* Hillside surrounding the proposed site for CUP.
 - Flood Zone Status:* FEMA defined Zone X located outside of all known flood zones.
 - Irrigation:* None of the property is being irrigated utilizing surface or subsurface irrigation water rights.

VI. The Commission finds the current zoning of the Site as follows:

The current zoning for the Site is Agriculture (AG).

VII. The Commission finds the surrounding land use and zoning as follows:

North: agriculture
 East: Agriculture/Residential
 South: Agriculture

West: Agriculture

VIII. The Commission finds the existing services as follows:

Access Roads: There are no direct access to any highways. Dixie Cutoff Road is maintained by the Mountain Home Highway District

Fire Protection District: This property is not in a fire district.

Sewage Disposal: None

Water Service: There is not a water system

Highway District: Mountain Home Highway District (the "Highway District") maintains the Dixie Cutoff Road which leads to the property.

IX. The Commission finds the following as the applicable law for consideration of the Application:

- A. Comprehensive Plan. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the "**Comprehensive Plan**"); and
- B. Zoning Ordinance, adopted March 21, 2012, as Ordinance 2012-03 and on July 14, 2014, as Ordinance 2014-01; and
- C. The Local Land Use Planning Act, Idaho Code § 67-6501; and
- D. Other applicable local, state and federal laws and regulations.

X. Comprehensive Plan.

- A. **The Commission finds** that the Conditional Use Permit is in harmony with and in accordance with the Elmore County Comprehensive Plan.
- B. **The Commission finds** that the Department staff provided information regarding the Elmore County Comprehensive Plan.
- C. **The Commission finds** that the Comprehensive Plan Future Land Use Map has the site classified as agriculture.

XI. Zoning Ordinance.

- A. **The Commission finds** that the Site is Agriculture and is pursuant to the standards and findings found in Ordinance Section 6-8-5 A.
- B. **The Commission finds** that in order to approve the CUP application, following findings as set forth in Section 6-27-7 of the Zoning Ordinance shall be made:
 - 1. The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance;
 - 2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance (Title 6);

3. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter;
4. The proposed use shall comply with all applicable County Ordinances;
5. The proposed use shall comply with all applicable State and Federal regulations;
6. The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;
7. The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;
8. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;
9. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;
10. The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
11. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.
12. The proposed use shall have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways.

C. The Required findings of Section 6-27-7 of the Zoning Ordinance, stated as questions, follow in bold text, followed by the Commission's findings:

1. **Does the proposed use in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance?**

The Commission finds that An Outdoor Women's Retreat requires a Conditional Use Permit in Table 6-8-11 (C).

The Commission finds in addition to a Conditional Use Permit, additional requirements for the proposed use under the Application are found in the Zoning Ordinance, Chapter 28.

2. Is the proposed use in harmony with and in accordance with the Elmore County Comprehensive Plan (“Plan”) and this Ordinance (Title 6)?

The Commission finds that the application is in harmony and accordance with the following objective and goals of the 2014 Elmore County Comprehensive Plan:

- *“Land Use Goal 4: Continue to designate areas within appropriate communities to stimulate recreation and tourism related developments and services.”*
- *“Scenic Area Goal 1: To promote the preservation of natural scenic areas for the use and benefit of both present and future generations.”*
- *“Recreation Goal 2: Promote the development of public and private recreational facilities in each of the Communities within Elmore County.”*

3. Does the proposed use comply with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter?

The Commission finds that this application complies with the purpose statement of the applicable base zone found in Ordinance Section 6-8-5 A;

“General Agriculture: The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands.”

4. Does the proposed use comply with all applicable County Ordinances?

The Commission finds the Conditional Use application complies with all applicable County Ordinances.

5. Does the proposed use comply with all applicable State and Federal Regulations?

The Commission finds that conditions of approval were proposed to ensure the Application met all State and Federal Regulations.

6. Is the proposed use designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and will such use not change the essential character of said area?

The Commission finds that the proposed use will be harmonious to the surrounding area and will not change the appearance of the general vicinity; The applicant intends to leave the site in its natural state with little changes to the existing appearance to accommodate porta potties, tents, and parking sites.

7. Will the proposed use be hazardous or disturbing to existing neighboring uses or impede their normal development?

The Commission finds that there is agriculture cattle grazing land surrounding the site with some rural residential to the East of the property, therefore will not be hazardous or disturbing to existing neighboring uses or impede their normal development.

8. Is the proposed use served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed Conditional Use shall be able to provide adequately any such services?

The commission finds the following public services shall be provided as follows:

Highways – No direct access to any highways. Dixie Cutoff Road is maintained by the Mountain Home Highway District.

Fire Protection – Property is not located in a fire district. Staff has imposed conditions to ensure that the applicant has an adequate fire prevention plan for the proposed use, to include fire barriers for the site and fire suppressants for each proposed fire-based activity.

Drainage Structures – No drainage structures for the proposed use are planned or required at this time.

Refuse Disposal – Staff has imposed conditions to ensure that applicant will have adequate refuse disposal.

Water –Applicant will be responsible for providing necessary water to the site for recreation use and fire suppression.

Sewer – Applicant has proposed that there will be porta potties available to patrons and maintained by the applicant. Staff has imposed conditions to ensure that the applicant has appropriate sewage disposal with this Conditional Use Permit.

9. Will the proposed use create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County?

The Commission finds that the Application proposes no additional requirements at public cost for public facilities and the services provided will be at the expense of the applicant; this will not be detrimental to the economic welfare of the County.

- 10. Will the proposed use involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors?**

The Commission finds that the Application will not create any excessive production of noise, smoke, fumes, glare, or odors.

- 11. Will the proposed use have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways?**

The Commission finds that the Application has a private access to the property which will not interfere with traffic on public or private roadways.

- 12. Does the proposed use result in the destruction, loss or damage of a natural or scenic feature of major importance?**

The Commission finds that the site is not identified as a natural or scenic feature of major importance. The applicant proposes that the site will be left in its current and natural state with little changes to accommodate tents, porta potties, and parking.

CONCLUSIONS OF LAW

If any of the conclusions of law are deemed to be finding of fact, they are incorporated in the Findings of Fact Section.

1. The Commission concludes that the public hearing notice requirements of Zoning Ordinance Chapter 4 have been met.
2. The Commission concludes that the notice requirements of Idaho Code Section 67-6512 have been met.
3. The Commission concludes that the Application complies with the required findings set forth in Section 6-27-7 of the Zoning Ordinance.

ORDER

Based upon the foregoing findings of fact and conclusion of law, the information contained in the Staff reports and the record for the Application, the Commission voted and hereby **approves** the Application with the following conditions:

- 1. Conditional Use Permit be granted to Jennifer Loranger for a Women's Retreat; this Conditional Use Permit is nontransferable and is not connected to the property.**
- 2. Failure to comply with any condition may result in the revocation of the conditional use permit.**

3. The Applicant will keep up to date on and uphold any fire restrictions and fire prevention management available due to the fact the site is not in a fire district.
4. Applicant will prepare and maintain an adequate fire barrier for and around the site where tents, firepits and/or other fire-based activities will be located.
5. Applicant will retain fire suppressants, i.e., fire extinguishers, or comparable fire suppressants, on site and located near each proposed fire pit, the fire heated hot tub, and any other fire source being used for this Conditional Use permit.
6. The Applicant/Owner will not develop any structures on the property and/or make significant changes to the landscape without prior approval from the Elmore County Land Use and Building Department.
7. The Applicant/Owner will obtain permits for any structures, roads, or other permissible projects on site.
8. The Applicant will maintain adequate porta potty (sewage) maintenance and appropriate refuse disposal.
9. The Conditional Use shall comply with all state and federal regulations.
10. All property taxes and fees must be paid and kept up to date.
11. This Condition imposes the 5-year Sunset Clause; if the Conditional Use Permit is not being used during that five-year period, at the end of that 5-year period the conditional Use Permit will become void and the Applicant will have to reapply for the permit at that time.

Dated this 6th day of June, 2018.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	VOTED AYE
VICE CHAIRMAN K.C. DUERIG	VOTED AYE
SUSAN FISH	VOTED AYE
MITCHELL SMITH	VOTED AYE
ED OPPEDYK	VOTED AYE
JEFF BLANKSMA	ABSENT


 Patti Osborn, Chairperson

ATTEST:



Beth Bresnahan, Director

NOTICE PURSUANT TO ZONING ORDINANCE SECTION 6-3-2 B

A decision made by the Elmore County Planning and Zoning Commission (the "Commission") may be reconsidered by the Commission provided the reconsideration application is complete and reconsideration fee is submitted to the Land Use and Building Department within fourteen (14) calendar days of Commission action. The reconsideration shall include new or additional relevant information that was not previously presented or available at the public hearing. Questions concerning reconsideration or deadlines should be asked of the Elmore County Land Use and Building Department.

NOTICE PURSUANT ZONING ORDINANCE SECTION 6-3-2 E-F

A decision made by the Elmore County Planning and Zoning Commission (the Commission) may be appealed to the Board of Elmore County Commissioners provided the appeal application is complete and appeal fee is submitted to the Land Use and Building Department within fourteen (14) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.